

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL NO. 05-10145-NG
)	
MICHAEL FOWLER)	

MOTION TO CONTINUE PLEA AND SENTENCING HEARING

Defendant, Michael Fowler, moves that this Court continue his plea and sentencing hearing, presently scheduled for February 20, 2008, to February 29, 2008 or as soon thereafter as is convenient to the Court. The instant matter is a companion matter to the prosecution in United States v. Michael Fowler, Criminal No. 04-10308-JLT. Defendant has pled guilty before Judge Tauro and has been sentenced to 120 months imprisonment. By plea agreement, the instant matter is considered relevant conduct to the matter before Judge Tauro and the government will recommend a concurrent sentence before this Court. Although the plea and sentencing are uncontroversial, counsel requires time to meet with defendant prior to the proceedings. Moreover, the sentencing will require adjustments pursuant to U.S.S.C. §5G1.3, a subject about which defendant intends to submit a short memorandum.

Counsel for defendant is lead counsel in United States v. Carol Aranjo, et al., Criminal No. 06-30014-MAP, and is presently in the midst of what is expected to be a six-week trial before

Judge Ponsor in that matter in Springfield. The complexity of the trial has thus far required counsel's full attention during trial days and thus counsel has been unable to draft and file a sentencing memorandum in the instant matter. Moreover, the trial schedule will prevent counsel from arriving at the Boston courthouse for the presently scheduled hearing time of 2:30 p.m. on February 20.

Defendant therefore requests that the Court continue the plea and sentencing hearing to February 29, 2008, a day Judge Ponsor has scheduled as a break in the Aranjo trial. Alternatively, defendant requests that the Court continue the matter to a date thereafter convenient to the Court, but, if before March 14, 2008 (the conclusion of the Aranjo trial) to a time later in the afternoon to allow counsel to return from Springfield and meet with defendant prior to the hearing.

The holiday and associated time constraints prevented counsel from obtaining the assent of the government. Defendant submits that all time up to and including the rescheduled plea and sentencing hearing should be excluded from operation of the Speedy Trial Act in the interests of justice.

MICHAEL FOWLER
By his attorney,

/s/ Timothy G. Watkins
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CERTIFICATE OF SERVICE

I, Timothy G. Watkins, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) on February 18, 2008.

/s/ Timothy G. Watkins
Timothy G. Watkins